

CORENE KENDRICK (SBN 226642)
ckendrick@aclu.org
KYLE VIRGIEN (SBN 278747)
kvirgien@aclu.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
39 Drumm St.
San Francisco, CA 94111
(202) 393-4930

MARIA V. MORRIS (SBN 223903)
mmorris@aclu.org
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
915 Fifteenth Street NW, 7th Floor
Washington, DC 20005
Telephone: (202) 548-6607

EMI MACLEAN (SBN 319071)
EMacLean@aclunc.org
ACLU OF NORTHERN CALIFORNIA
39 Drumm Street
San Francisco, California 94111
Telephone: (415) 621-2493

Attorneys for Plaintiff

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney
MICHELLE LO (NYRN 4325163)
Chief, Civil Division
J. WESLEY SAMPLES (CABN 321845)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7073
FAX: (415) 436-6748
wes.samples@usdoj.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

CASE NO. 3:23-CV-05248-JD

**JOINT STIPULATION TO TRANSFER CASE
TO THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA, AND
~~[PROPOSED]~~ ORDER**

Pursuant to Civil Local Rule 7-12, and subject to the Court’s approval, Plaintiff the American Civil Liberties Union Foundation (“Plaintiff”) and Defendant the United States Department of Justice (“Defendant”) (Plaintiff and Defendant collectively, the “Parties”) stipulate as follows:

WHEREAS, on February 1, 2024, the Court held an initial case management conference during which the Parties indicated they planned to discuss a venue issue.

WHEREAS, the Parties have discussed the venue issue, including by meeting and conferring on February 1, 2024, immediately following the initial case management conference.

WHEREAS, on March 1, 2024, the United States Department of Justice, Federal Bureau of Prisons, sent from Washington, D.C. to the American Civil Liberties Union Foundation, National Prison Project, in Washington, D.C., a letter advising the American Civil Liberties Union Foundation as ordered by the Court in the Minute Entry at Dkt. No. 22 (the “Letter”).

WHEREAS, the Letter advised Plaintiff that the Federal Bureau of Prisons (“BOP”), in response to Plaintiff’s Freedom of Information Act (“FOIA”) Request 2023-01964-LIT, had (1) completed a search and received 572 pages of responsive records for processing (the “572 Pages”); and (2) though not required by the FOIA, in the spirit of compromise, was also writing a program in response to a portion of that FOIA Request (the “Program Response”). Regarding the Program Response the Letter further stated that “BOP anticipate[d] receiving the records . . . result[ing] from the program . . . within 3 weeks [of the Letter], and [that] the BOP w[ould] process them and release them to [Plaintiff] on a rolling basis subject to applicable FOIA exemptions including those listed [in the Letter].”

WHEREAS, the Letter further advised Plaintiff that the Federal Bureau of Prisons, in response to Plaintiff’s FOIA Request 2023-02625-LIT, had completed its search and received 443 pages of responsive records for processing (the “443 Pages”).

THEREFORE, to resolve the venue issue the Parties stipulate as follows:¹

1. Venue in this action is governed by 5 U.S.C. § 552(a)(4)(B) such that the United States District Court for the District of Columbia is the proper venue for this action. *See* 5 U.S.C. § 552(a)(4)(B) (“On complaint . . . the District of Columbia[] has jurisdiction.”). Accordingly, the Parties stipulate that the

¹ The Parties incorporate here by reference all defined terms appearing in parentheses as used in all of the preceding retail paragraphs beginning with “WHEREAS.”

1 \

2 **IT IS SO STIPULATED.**

3 ISMAIL J. RAMSEY
4 United States Attorney

5 DATED: March 18, 2024

6 /s/ J. Wesley Samples
7 J. WESLEY SAMPLES
8 Assistant United States Attorney
9 Attorney for Defendant

10 DATED: March 18, 2024

11 /s/ Maria V. Morris *
12 MARIA V. MORRIS,
13 American Civil Liberties Union Foundation
14 National Prison Project
15 Attorney for Plaintiff

16 ** In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of*
17 *perjury that all signatories have concurred in the filing of this document.*
18
19
20
21
22
23
24
25
26
27
28

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 AMERICAN CIVIL LIBERTIES UNION)
5 FOUNDATION,)

6 Plaintiff,)

7 v.)

8 UNITED STATES DEPARTMENT OF)
9 JUSTICE,)

10 Defendant.)
11

CASE NO. 3:23-CV-05248-JD

~~PROPOSED~~ ORDER GRANTING JOINT
STIPULATION TO TRANSFER CASE TO THE
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

12 PURSUANT TO STIPULATION, IT IS SO ORDERED. This matter is transferred to the
13 United States District Court for the District of Columbia. The schedule and all other deadlines for the
14 above captioned matter pending in the Northern District of California are vacated.
15

16
17 Dated: March 20, 2024

18 
19 _____
20 HONORABLE JAMES DONATO
21 United States District Judge
22
23
24
25
26
27
28